

STATE OF NEW YORK  
SUPREME COURT COUNTY OF JEFFERSON

In the Matter of the Petition of

JOHN DOE "1", JOHN DOE "2",  
JOHN DOE "3", JOHN DOE "4",  
JOHN DOE "5", JOHN DOE "6",  
JOHN DOE "7", JOHN DOE "8",  
JOHN DOE "9", and JOHN DOE "10",

Petitioners,

v.

SYRACUSE UNIVERSITY,

Respondent.

Seeking a Judgment Pursuant to Article 78  
of the Civil Practice Law and Rules  
Vacating and Annulling final determinations  
rendered by Respondent on July 26, 2018.

**ORDER TO SHOW CAUSE**

Index No.: 18-1865  
RJI No.:

Now, upon the reading and filing of the annexed Verified Petition of JOHN DOES "1" through "10", verified on August 10, 2018 by Kevin E. Hulslander, Esq., Karen G. Felter, Esq., and David M. Katz, Esq. together with Exhibits "A" through "Z" and the accompanying Memorandum of Law, and upon all the papers and proceedings had herein, it is hereby

**ORDERED** that Respondent must show cause at the Dulles State Office Building, 317 Washington Street, Watertown, New York 13601, on the 19 day of September 2018 at 9:00 a.m./p.m. or as soon after as counsel can be heard, why an Final Order and Judgment should not be entered: *by phone*

1. Declaring that Respondent acted arbitrarily and capriciously by failing to substantially comply with its own rules, procedures, and guidelines as set forth in the *Syracuse University Student Handbook* and the *Syracuse University Student Conduct System Handbook* in

conducting its disciplinary proceedings against John Does "1" through "10" and, therefore, vacating, annulling, and expunging any and all determinations made as a result of said disciplinary proceedings;

2. Ordering that JOHN DOES "1" through "10" regain and retain all of the rights and privileges guaranteed to matriculated students and members of the Syracuse University community; and

3. Ordering any such further relief that this Court deems fair, just, and equitable; and it is further

**ORDERED** that, upon Respondent's consent, service of a copy of this Order and the papers upon which it is based upon via email to Daniel French, Esq., Senior Vice President and General Counsel, Office of the General Counsel, djfrench@syr.edu on or before the 25 day of August 2018 shall be deemed sufficient service; and it is further

**ORDERED** that Respondent's answering papers, if any, shall be served upon Petitioners' attorneys, Smith, Sovik, Kendrick & Sugnet, P.C., Kevin E. Hulslander, Esq., via email at khulslander@smithsovik.com no later than five days prior to the return date of this Petition pursuant to C.P.L.R. § 7804(c); and it is further

**ORDERED** that Petitioners are entitled to file reply papers, which shall be served upon Respondent's counsel via email no later than one day prior to the return date of this petition pursuant to C.P.L.R. § 7804(c); and

**SUFFICIENT CAUSE BEING ALLEGED THEREFORE**, it is further

**ORDERED** that Respondent must show cause at the Dulles State Office Building, 317 Washington Street, Watertown, New York 13601, on the 19 day of September 2018 at 9:00 a.m./~~p.m.~~ or as soon after as counsel can be heard, why an Order should not be entered

by telephone

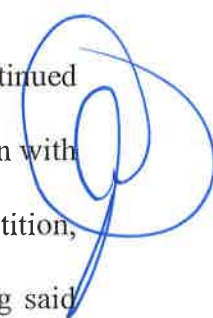
Ordering that John Does "1" through "10" are entitled to a stay of the disciplinary determinations, including a stay of the University-ordered suspension(s) and further marking of transcripts in connection with the disciplinary determinations made against Petitioners pursuant to C.P.L.R. § 7805; and it is further

**ORDERED** that Respondent's papers in opposition to the entry of a stay, if any, shall be served upon Petitioners' attorneys, Smith, Sovik, Kendrick & Sugnet, P.C., Kevin E. Hulslander, Esq., via email at khulslander@smithsovik.com no later than three days prior to the aforementioned hearing regarding whether a stay of the disciplinary determinations, including staying any transcript markings resulting from the disciplinary determinations, made against them pursuant to C.P.L.R. § 7805; and it is further

**ORDERED** that Petitioners are entitled to file reply papers, which shall be served upon Respondent's counsel via email no later than one day prior to the aforementioned hearing regarding whether a stay of the disciplinary determinations, including staying any transcript markings resulting from the disciplinary determinations, made against them pursuant to C.P.L.R. § 7805; and

**SUFFICIENT CAUSE BEING ALLEGED THEREFORE**, it is further

**ORDERED** that, pending a hearing as to whether Petitioners are entitled to the continued imposition of a stay of all adverse actions imposed or taken against Petitioners in connection with the complained of disciplinary determinations until the final determination of the Verified Petition, Respondent, Respondent's employees, or Respondent's agents are stayed from enforcing said disciplinary determinations pursuant to C.P.L.R. § 7805; and it is further



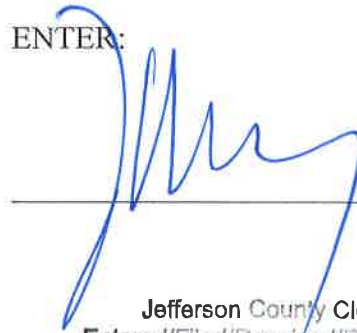
**ORDERED** that JOHN DOES “1” through “10” retain all of the rights and privileges guaranteed to matriculated students and members of the Syracuse University community pending a hearing as to whether Petitioners are entitled to a stay of the disciplinary determinations; and

**SUFFICIENT CAUSE BEING ALLEGED THEREFORE**, it is further

**ORDERED** that Petitioners are entitled to proceed under the pseudonyms JOHN DOE “1” through JOHN DOE “10” in this proceeding.

Dated: August 22, 2018

ENTER:



, J.S.C.

Jefferson County Clerk  
Entered/Filed/Received/Recorded

AUG 22, 2018  
@12:13pm  
Kyille J. Neitz